

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

NOV 20 2018

THOMAS P. GILFILLAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:18cv339

DEBBIE CHEELY and JOHN CHEELY,
d/b/a FULL THROTTLE MARINE SERVICE,

Defendants.

ORDER


This matter comes before the court on Defendants', Debbie Cheely and John Cheely doing business as "Full Throttle Marine Service" ("Defendants"), Motion to Dismiss ("Motion") and accompanying Memorandum in Support, filed on August 17, 2018. ECF Nos. 13, 14. Plaintiff Thomas P. Gilfillan ("Plaintiff") filed a Response in Opposition on August 31, 2018, ECF No. 16, and Defendants filed a Reply on September 6, 2018, ECF No. 17. On September 7, 2018, this court referred the Motion to United States Magistrate Judge Douglas E. Miller, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for disposition of the Motion. ECF No. 18.

A hearing was held on October 9, 2018, and the Magistrate Judge filed a Report and Recommendation ("R&R") on Defendants' Motion on October 18, 2018. ECF No. 20. The R&R recommends that Defendants' Motion be denied. R&R at 12. The parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. Id. at 12-13. Defendants filed Objections on November 1, 2018. ECF No. 21.

The court, having examined Defendants' Objections to the R&R, and having made de novo findings with respect thereto, **ADOPTS AND APPROVES IN FULL** the findings and recommendations set forth in the R&R of the United States Magistrate Judge, filed on October 18, 2018. ECF No. 20. Accordingly, Defendants' Objections are **OVERRULED**, and Defendants' Motion to Dismiss is **DENIED**.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
Chief Judge


REBECCA BEACH SMITH
CHIEF JUDGE

November 19, 2018

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CLERK US DISTRICT COURT
NORFOLK, VIRGINIA

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